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November 20, 2014

VIA ECF and FACSIMILE (212-805-7986)

Hon. Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: *MCC Non Ferrous Trading Inc.*
v. AGCS Marine Insurance Company
Case No.: 14 Civ. 8302 (PGG) (JCF)
Our File No.: 42000101 JAVN/NN/KJO

Dear Judge Gardephe:

We represent Defendant AGCS Marine Insurance Company.

The parties have conferred and consent to conducting further proceedings before Magistrate Judge James Francis IV, the assigned Magistrate in this matter, including motions and trial (whether by jury or otherwise), pursuant to 28 U.S.C. § 636(c) and Local Civil Rule 73.1. The parties however do not consent to conducting further proceedings before any magistrate other than Magistrate Judge Francis. To the extent that another Magistrate Judge besides Judge Francis is assigned or reassigned to the case, the parties jointly submit that this would constitute "good cause" or "extraordinary circumstances" warranting vacatur of the parties' consent and reassignment of the case back to Your Honor only. A consent form signed on behalf of the parties, together with a proposed Reference of a Civil Action to a Magistrate Judge, has been submitted to the Clerk of Court. (A courtesy copy is enclosed for Your Honor's reference.)

Hon. Paul G. Gardephe

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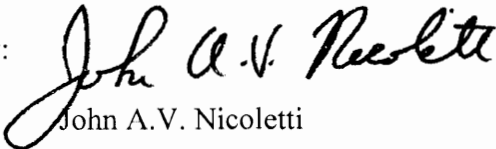
November 20, 2014

In light of the parties' consent to proceed before Magistrate Judge Francis, the parties jointly and respectfully request that the initial case management conference scheduled to be held before Your Honor on December 18, 2014 be cancelled. An initial case management conference can then be held before Magistrate Judge Francis for purposes of entering a civil case management plan and scheduling order.

In the alternative, the undersigned respectfully requests that the initial case management conference scheduled for December 18, 2014 be adjourned for approximately thirty days to January 12, 13, 14 or 15, 2015. The adjournment is requested because the undersigned is the principal trial counsel in this action and will be out of state in connection with depositions in a multi-party action pending before Judge Alison J. Nathan of this Court. Plaintiff's counsel does not object to the requested adjournment and is available on the suggested dates.

Respectfully submitted,

NICOLETTI HORNIG & SWEENEY

By: 
John A.V. Nicoletti

Encl.

Cc: **VIA ECF and E-MAIL**

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MCC NON FERROUS TRADING INC.,

Plaintiff,

- against -

AGCS MARINE INSURANCE COMPANY,

Defendant.

Civil No. 14-CV-8302 (PGG) (JCF)

NOTICE, CONSENT, AND REFERENCE
OF A CIVIL ACTION TO MAGISTRATE
JUDGE FRANCIS

Notice of Magistrate Judge Francis IV's availability. United States Magistrate Judge Francis IV, of this court, the assigned Magistrate in this matter, is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. Magistrate Judge Francis may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to Magistrate Judge Francis IV's authority. The following parties consent to have United States Magistrate Judge Francis IV conduct all proceedings in this case including trial (including trial by jury), the entry of final judgment, and all post-trial proceedings. The parties however do not consent to conducting further proceedings before any magistrate other than Magistrate Judge Francis. To the extent that another Magistrate Judge besides Judge Francis is assigned or reassigned to the case, the parties jointly submit that this would constitute "good cause" or "extraordinary circumstances" warranting vacatur of the parties' consent and reassignment of the case back to Judge Gardephe only.


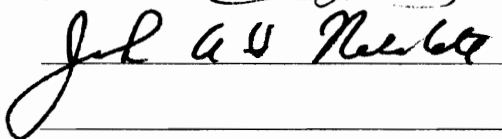
Parties' printed names

Signatures of parties or attorneys

Dates

MCC Non Ferrous Trading Inc.

AGCS Marine Insurance Company

11/20/14

11/20/14

Reference Order

IT IS ORDERED: This case is referred to United States Magistrate Judge Francis to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.